

Remarks

Upon entry of the amendment claims 1-7, 9-11 and 21-27 will be pending in the above application. Applicants canceled claims 8, 12 and 14-20 without prejudice to the subject matter contained therein. Claims 28-34 were canceled in a previous amendment to the claims. The amendments to claims 1, 2 and 7 can be found, at least, on page 6, line 18 through page 8, line of the specification as originally filed. Claims 3, 4, 9, 13, 21 and 27 have been amended to clarify the invention.

Information Disclosure Statement

Applicants file concurrently herewith a supplemental Information Disclosure Statement with copies of all non-patent literature and foreign patents.

Claim Rejections – 35 USC § 103

According to the Office Action, claims 1-13 and 22-27 stand rejected under 35 USC § 103(a) as allegedly being obvious over U.S. Patent No. 5,045,540 (hereinafter the '540 patent). In particular, the Examiner asserts that Example 18 of the '540 patent renders the Applicant's Markush-type claims obvious.

Applicants note that this rejection is moot in regards to cancelled claims 8 and 12.

Applicants respectfully disagree with this analysis for at least the following reason.

The currently pending claims have been amended to more specifically recite and distinctly claim Applicant's invention: a compound of Formula I wherein the variable W is an oxazole.

To establish a *prima facie* case of obviousness of a claimed invention, all claim limitations must be taught or suggested in the prior art (MPEP § 2143.03). The '540 patent discloses a compound where the variable coinciding with W is an imidazole for use as an angiotensin agonist, but fails to disclose the use of these compounds as PPAR agonists, let alone compounds that have an oxazole corresponding to the variable W.

Accordingly, the cited reference fails to disclose or suggest all of the limitations claimed in the instant application.

Applicant therefore respectfully requests reconsideration and withdrawal of the rejection of claim 1 under 35 USC § 103.

Claim Rejections – 35 USC §112

Claim 27 stands rejected under 35 U.S.C. 112 second paragraph. Applicants amended claim 27 to depend from claim 26 obviating this rejection.

Applicants respectfully requests withdrawal of the 35 U.S.C. §112 second paragraph rejection.

Conclusion

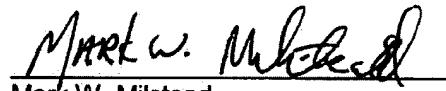
Applicants have addressed each and every issue set forth by the Examiner. Applicants respectfully submit that the present application is condition for allowance.

If the Examiner believes for any reason that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (617) 871-4125.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 50-4409 for any additional fees under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly extension of time fees.

Respectfully submitted,

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